

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**CORI LYNN HOLMES,)
vs.)
Plaintiff,)
vs.) 8:08CV4
CROSSROADS JOINT VENTURE, et al.,)
Defendants.)
ORDER**

A telephonic hearing was held on August 25, 2008 pursuant to Fed. R. Civ. P. 16 and on pending nondispositive motions. Frank Robak, Sr., Mark Weber, and Betty Egan represented the plaintiff. Patrick Griffin and Catherine Damico represented the defendants.

It was determined that the parties' motions for extension of time (Filings 56 & 58) should be granted. Plaintiff will be given an extension of time to September 2, 2008 in which to identify the names of any expert or remaining non-expert witnesses. The defendants will be given an extension of time to October 10, 2008 in which to identify its expert and non-expert witnesses.

The court previously authorized the defendants to file a motion for attorneys' fees and costs in conjunction with a motion to compel that was resolved against the plaintiff. In the motion (Filing 54), defendants seek reimbursement of \$1,641 in attorneys' fees incurred in trying to obtain discovery from the plaintiff and prosecuting the underlying motion to compel. Mr. Robak explained that the delay in providing discovery to the defendants was attributable to him, due to his criminal trial schedule. While the \$1,641 figure reflects a reasonable amount for professional legal services in Omaha, Nebraska by lawyers regularly employed to perform similar services, I find that imposition of a lesser

amount would suffice to deter future misconduct by the plaintiff and would partially reimburse the defendants. I will, therefore, require Mr. Robak to pay defendant the sum of \$800 as a sanction for failing to respond to defendants' discovery requests.

IT IS ORDERED:

1. Defendants' Motion to Extend Deadline to Disclose Expert and Non-Expert Witnesses (Filing 56) is granted. The defendants' deadline is extended to **October 10, 2008**.
2. Plaintiff's Motion (Filing 58) for an extension of time to furnish the names of expert and non-expert witnesses is granted. The plaintiff's deadline is extended to **September 2, 2008**.
3. Pursuant to Fed. R. Civ. P. 37(a)(5)(A), defendants' Motion for Attorneys' Fees (Filing 54) is granted in part, in the amount of \$800.00, to be paid by plaintiff's counsel, Frank Robak, Sr., to defense counsel on or before **September 15, 2008**.
4. The Rule 16 planning conference is continued to **Monday, November 24, 2008 at 9:30 a.m.**, to be conducted by conference call initiated by plaintiff's counsel.

DATED August 25, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge